

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission

On Its Own Motion

Amendment of 83 Ill. Adm. Code 590

:
:
:
:
:
:

07-0069

ORDER

By the Commission:

The Illinois Commerce Commission ("Commission") has adopted 83 Ill. Adm. Code 590, "Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities," to incorporate by reference certain Federal safety standards. This complies with Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3], which requires the Commission's rules to be as inclusive and as stringent as the Federal safety standards and compatible with the Federal safety standards.

Since the last amendment of Part 590 in 2005, the United States Department of Transportation ("USDOT") completed rulemakings that amended its safety standards in 49 CFR 192, which the Commission has incorporated by reference in Part 590. It is appropriate to initiate rulemaking to incorporate the USDOT amendments into Part 590.

The Commission, being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction of the subject matter herein;
- (2) it is appropriate for the Commission to take administrative notice of the amendments of the USDOT regarding pipeline safety codified at 49 CFR 192;
- (3) it is appropriate for the Commission to take administrative notice of Section 3 of the Illinois Gas Pipeline Safety Act;
- (4) the recitals of fact set forth in the prefatory portion of this Order are the supporting record and are hereby adopted as findings of fact;
- (5) a copy of this Order should be sent to each entity regulated by the Commission under the Illinois Gas Pipeline Safety Act;
- (6) this proceeding is a rulemaking and shall be conducted as such;

- (7) the first notice of the proposed amendment to 83 Ill. Adm. Code 590, as set forth in the attached Appendix, should be submitted to the Secretary of State for publication in the *Illinois Register*, thereby initiating the first notice period under Section 5-40 of the Illinois Administrative Procedure Act.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the first notice of the proposed amendment of 83 Ill. Adm. Code 590, as reflected in the attached Appendix, be submitted to the Secretary of State, pursuant to Section 5-40 of the Illinois Administrative Procedure Act.

IT IS FURTHER ORDERED that this proceeding shall be conducted as a rulemaking and not as a contested case.

IT IS FURTHER ORDERED that this order is not final; it is not subject to the Administrative Review Law.

By order of the Commission this 24th day of January, 2007.

(SIGNED) CHARLES E. BOX

Chairman